

6, lines 19-22; page 9, lines 15-19; Example beginning on page 9, line 20; and page 13, line 4, through page 17, line 5.)

The only independent claims are Claims 1, 13, 19, and 35. These pending claims follow, with portions highlighted to show that in the claimed invention, the price of the product is scaled to the buyer's performance during the PDA:

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1. A method of doing business over a global communications network comprising the steps:

communicating to a buyer via the global communications network, a description of a product;

accepting a first request from the buyer to buy the product for a price to be determined within a price range;

accepting a second request from the buyer to allow the price to be determined based upon **a performance of the buyer while participating in a Price-Determining-Activity (PDA);**

receiving data from the buyer over the global communications network, said data representing the performance of the buyer during the PDA; and

determining **the price of the product** based at least partially upon the data received, **said price being** within the price range and **scaled to the performance of the buyer.**

13. A method of determining a price of a product using a global communications network, comprising the steps:

communicating to a buyer via the global communications network, data representing a plurality of products available, said plurality of products including a first product;

accepting acknowledgement from the buyer representing an intent of the buyer to buy the first product at a price to be determined based upon a **performance of the buyer while participating in a Price-Determining-Activity (PDA)**, said acknowledgement being communicated over the global communications network;

determining the performance of the buyer; and

**assigning a price to the product, said price being scaled to the performance of the buyer.**

19. A system for conducting e-commerce over a global communications network, comprising:

a computer server having access to the global communications network, and being programmed to:

a) communicate to a buyer via the global communications network, data representing a plurality of products, said plurality of products including a first product;

b) accept acknowledgement from the buyer representing an intent of the buyer to buy the first product at a price to be determined dependent on a **performance of the buyer while participating in a Price-Determining-Activity (PDA)**, said acknowledgement being communicated over the global communications network;

c) determine the performance of the buyer based upon data received over the global communications network; and

**d) assign a price to the product, said price being scaled to the performance of the buyer.**

35. A method of assigning a price to a product comprising the steps:

determining a performance of a buyer during a Price Determining Activity (PDA);  
and  
assigning a price to the product, said price being scaled to the performance of the  
buyer.

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Based on the above arguments, Applicant respectfully requests the Examiner withdraw  
the rejections set forth in the Final Office Action.

If the Examiner has any questions regarding the foregoing, or if the Examiner would like  
to discuss any minor defects regarding this application, the Examiner is invited to contact the  
undersigned representative of Applicant at (949) 724-1849.

Respectfully submitted,



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